

April 7, 2010

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554  
***Via Electronic Filing***

Re: *Ex Parte* Presentation, WC Docket No. 07-245

Dear Ms. Dortch:

On April 6, 2010, representatives of the DAS Forum, a membership section of PCIA—The Wireless Infrastructure Association, NextG Networks, and American Tower Corporation (“Parties”) met with Priya Aiyar, Legal Advisor for Wireline Competition and International Issues to Chairman Genachowski. NextG was represented by Patrick Ryan, Vice President, Government Relations & Regulatory Affairs, and Natasha Ernst, Director, Government Relations. American Tower was represented by Alexander Gamota, Director, DAS Strategic Relations & Network Policy. Brian Regan, Policy Analyst, Delara Derakhshani, Intern, and the undersigned represented the DAS Forum.

The Parties discussed the integral role that wireless infrastructure and Distributed Antenna Systems (“DAS”) have in the effort to achieve the Commission’s broadband goals. As addressed in previous filings in the above captioned docket, the Parties addressed the barriers to the rapid deployment of DAS, including unreasonable rates, access to utility poles, and delays in the deployment process. The Parties also addressed barriers to attaching on municipal-owned poles. Finally, the parties explained that while unauthorized attachments are generally not an issue with wireless attachments, the penalties for unauthorized attachments contained in contractual agreements with utilities are a sufficient remedy for such mistakes.

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter and a copy of the presentation delivered at the meeting are being filed via ECFS with your office. Please do not hesitate to contact the undersigned with any questions.

Sincerely,



Michael D. Saperstein, Jr.  
Director of Government Affairs  
PCIA—The Wireless Infrastructure Association  
901 N. Washington St., Suite 600  
Alexandria, VA 22314

Attachment

cc: Priya Aiyar

## **About DAS**

A distributed antenna system (DAS) is a network of spatially-separated antenna nodes connected to a base station hub via fiber optic cable that provides wireless service within a geographic area.



## **Fast and Economical Access for Wireless Attachments to Poles Enables Broadband and Other Benefits**

The FCC has recognized that wireless attachments:

- Provide additional broadband applications
- Expand wireless coverage and reliability
- Advance public safety (e.g., E-911)
- Develop facilities with reduced visual obtrusiveness
- Save costs (allowing further network development)

DAS Networks enable wireless provision of broadband services:

- Facilitate more efficient use of spectrum
- Increase capacity
- Enable deployment deeper into previously hard to reach areas

## **The FCC Should Adopt the Broadband Plan's Wireless Attachment Recommendations**

- The FCC recognized in its *Wireless Innovation and Investment NOI* that DAS and wireless attachments are valuable deployment tools to be nurtured.
- The Broadband Plan contains numerous recommendations to encourage and expedite wireless pole attachments where they otherwise may not be feasible due to utility delays and denials.
- Implementing the Plan's recommendations will
  - Prevent utilities from issuing blanket denials of pole access to wireless attachments
  - Ensure that wireless attachers are not forced to pay "market" rates of 100-300x more than the telecom rate
  - Allow for a predictable deployment schedule and regulatory certainty that promotes investment
  - Benefit wireless consumers nationwide

## **The Record Developed In the 2007 NPRM is Sufficient to Adopt The Recommendations From the Broadband Plan**